

ATTACHMENT 1

INITIAL SCREENING AND PRIORITIZATION CHECKLIST
NOMINATIONS FOR RIGHTS-OF-WAY LEASES

Step 1 – Initial Screening

43 CFR §§ 2803.10 and 2809.11(d) – Qualifications for holding a right-of-way (ROW) – Under 43 CFR 2803.10, a nominator for a ROW Lease must be:	
	(a) – An individual, association, corporation, partnership, or similar business entity, or a Federal agency or state, tribal, or local government.
	(b) – Technically and financially able to construct, operate, maintain, and terminate the use of the public lands. An Authorized Officer may request the following to demonstrate financial and technical capability, if the written nomination does not provide sufficient detail, under 43 CFR 2804.26(a)(5)(i): <ul style="list-style-type: none"> • (A) – Documentation of any successful experience in construction, operation, and maintenance of a similar facility on either public or non-public lands; • (B) – Information on the availability of sufficient capitalization to carry out development, including the preliminary study stage of the project and the environmental review and clearance process; or, • (C) – Written copies of conditional commitments of Federal and other loan guarantees; confirmed power purchase agreements; engineering, procurement, and construction contracts; and supply contracts with credible third-party vendors for the manufacture or supply of key components for the project facilities.
	2803.10(c) – Of legal age and authorized to do business in the state the ROW would be located.

Under 43 CFR 2809.11(b), a ROW Lease nomination ¹ must be in writing and include:	
	(1) – \$5 per acre non-refundable nomination fee for the nominated parcel of land;
	(2) – The nominator’s name and personal or business address. The name of only one citizen, association, partnership, corporation, or municipality may appear as the nominator. All communications relating to leasing will be sent to that name and address, which constitutes the nominator's name and address of record; and
	(3) – The legal land description and map of the nominated lands.

The BLM may consider informal expressions of interest suggesting lands to be included in a competitive offer. If a written expression of interest is submitted, it must provide a description of the suggested lands and rationale for inclusion in a competitive offer (43 CFR 2809.11(c)).

¹ There is no official form used when submitting a nomination. However, the nomination must be in writing and include the items listed in Step 1 (43 CFR 2809.11(b)).

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Step 2 – Prioritization

The BLM will generally prioritize the processing of ROW Lease nominations and awarded Leases under 43 CFR 2809 before prioritizing the processing of ROW Grant applications submitted under 43 CFR 2804, including those that are “High-priority” – per 43 CFR 2809.10(d) and 43 CFR 2804.35.

If a project falls within an Agency Preferred Location (Designated Leasing Area (DLA) [81 Federal Register 92136](#)), the nomination/expression of interest is considered a “Top-priority”. As of 2021, the below DLAs have been identified in BLM programmatic land use plans:

	Solar Energy Zones (SEZs) in Arizona, California, Colorado, Nevada, New Mexico, and Utah (2012 Solar Energy Development PEIS ROD)
	Development Focus Areas (DFAs) in southeastern California (2016 Desert Renewable Energy Conservation Plan [DRECP] ROD)
	Renewable Energy Development Areas (REDAs) in Arizona (2013 Restoration Design Energy Project [RDEP] ROD)